

**REMARKS / ARGUMENTS**

The present application includes pending claims 42-71, all of which have been rejected. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 42-43, 45, 47-53, 55-58, 60, 62-68, and 70-71 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,978,121 ("Lane") in view of U.S. Patent Publication No. 2004/0029619 ("Liang").

Claims 44 and 59 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lane in view of Liang, and further in view of U.S. Patent No. 6,799,054 ("Shpak").

Claims 46 and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lane in view of Liang, and further in view of U.S. Patent Publication No. 2003/0161288 ("Unruh").

Claims 54 and 69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lane in view of Liang, and further in view of U.S. Patent Publication No. 2004/0009751 ("Michaelis").

The Applicant respectfully traverses these rejections at least based on the following remarks.

## REJECTION UNDER 35 U.S.C. § 103

In order for a *prima facie* case of obviousness to be established, the Manual of Patent Examining Procedure, Rev. 6, Sep. 2007 ("MPEP") states the following:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

See the MPEP at § 2142, citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), and *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval). Further, MPEP § 2143.01 states that "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" (citing *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007)). Additionally, if a *prima facie* case of obviousness is not established, the Applicant is under no obligation to submit evidence of nonobviousness:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

I. **The Proposed Combination of Lane and Liang Does Not Render Claims 42-43, 45, 47-53, 55-58, 60, 62-68, and 70-71 Unpatentable**

A. **Independent Claims 42 and 57**

With regard to the rejection of independent claim 42 under 35 U.S.C. § 103(a), the Applicant submits that the combination of Lane and Liang does not disclose or suggest at least the limitation of "**generating two or more priority signals to control prioritization** of information between corresponding MAC interfaces for each of said plurality wireless transmitter and/or receiver devices within said chip," as recited by the Applicant in independent claim 42 (emphasis added). The Office Action states the following:

Regarding claim 42, Lane teaches a method of communication, the method comprising: a plurality of wireless transmitter and/or receiver devices, (Fig. 2 [220 & 260]) *generating two or more priority signals (Col. 5 lines 16-23) to control prioritization of information* between corresponding MAC interfaces for each of said plurality wireless transmitter and/or receiver devices; (Col. 4 lines 39-52) and coordinating communication of information between two or more of said plurality of wireless transmitter and/or receiver devices by configuring one or more of said corresponding MAC interface devices via said generated two or more priority control signals. (Col. 4 line 39 through Col. 5 line 51, specifically Col. 4 lines 39-52)

See the Office Action at page 3. The Examiner relies on col. 5, lines 16-23 of Lane, which discloses that **prioritization is achieved only via a single command**. More specifically, the BT MAC 130 (FIG. 1 of Lane) transmits a single transmit disable command to the 802.11 radio 160, whenever a high-priority receive or transmit event

has to be processed. In this regard, Lane does not disclose "generating two or more priority signals to control prioritization of information ...," as recited by the Applicant in independent claim 42. Liang does not overcome the above deficiencies of Lane.

As shown above, the combination of Lane and Liang does not teach or suggest "generating two or more priority signals to control prioritization of information between corresponding MAC interfaces for each of said plurality wireless transmitter and/or receiver devices within said chip," as recited by the Applicant in independent claim 42. Accordingly, the proposed combination of Lane and Liang does not render independent claim 42 unpatentable, and a *prima facie* case of obviousness has not been established. The Applicant submits that claim 42 is allowable. Independent claim 57 is similar in many respects to the method disclosed in independent claim 42. Therefore, the Applicant submits that independent claim 57 is also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 42.

**B. Rejection of Dependent Claims 43, 45, 47-53, 55-56, 58, 60, 62-68, and 70-71**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 42 and 57 under 35 U.S.C. § 103(a) as being anticipated by Lane in view of Liang has been overcome and request that the rejection be withdrawn. Additionally, claims 43, 45, 47-53, 55-56, 58, 60, 62-68, and 70-71 depend from

independent claims 42 and 57 and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 43, 45, 47-53, 55-56, 58, 60, 62-68, and 70-71.

## **II. Rejection of Dependent Claims 44 and 59**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 42 and 57 under 35 U.S.C. § 103(a) as being anticipated by Lane in view of Liang has been overcome and request that the rejection be withdrawn. Additionally, since the additional cited reference (Shpak) does not overcome the deficiencies of Lane and Liang, claims 44 and 59 depend from independent claims 42 and 57, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 44 and 59.

## **III. Rejection of Dependent Claims 46 and 61**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 42 and 57 under 35 U.S.C. § 103(a) as being anticipated by Lane in view of Liang has been overcome and request that the rejection be withdrawn.

Additionally, since the additional cited reference (Unruh) does not overcome the deficiencies of Lane and Liang, claims 46 and 61 depend from independent claims 42 and 57, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 46 and 61.

#### **IV. Rejection of Dependent Claims 54 and 69**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 42 and 57 under 35 U.S.C. § 103(a) as being anticipated by Lane in view of Liang has been overcome and request that the rejection be withdrawn. Additionally, since the additional cited reference (Michaelis) does not overcome the deficiencies of Lane and Liang, claims 54 and 69 depend from independent claims 42 and 57, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 54 and 69.

**CONCLUSION**

Based on at least the foregoing, the Applicant believes that all claims 42-71 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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